

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 02-CR-73A

MARK CONGI, JOEL CICERO, et al.,

Defendants.

**DEFENDANT JOEL CICERO'S
REVISED TRIAL EXHIBIT LIST
(July 14, 2006)**

Respectfully submitted,

By 

JOSEPH M. LaTONA, ESQ.

Attorney for Defendant,
JOEL CICERO
Office and Post Office Address
716 Brisbane Building
403 Main Street
Buffalo, New York 14203
(716) 842-0416

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

EXHIBIT LIST

Case No. 02-CR-73A

Defendant, JOEL CICERO

Dated: July 14, 2006

Ex. #	Description	Date	
		Marked for Ident. Evidence	In
1	Transmittal letter of July 6, 2001 and License Agreement Between Niagara Falls Bridge Commission and World Duty Free Americas		
2	Sublicense Agreement Between World Duty Free Americas and ProServe		
3	Handwritten notes dated 8/21		
4	Cover page with Lease Agreement outline - J. Kearney to Joseph Aragon		
5	7/10/01 email - Eucker to Aragon		
6	7/31/01 email - Jasper to Aragon		
7	9/19/01 email - Jasper to Aragon		
8	3/4/02 email from Paul Janhunen to Thomas Garlock		
9	3/14/02 email from Paul Janhunen to Mark Elias, et al.		
10	Memorandum of Agreement - 12/31/01 between World Duty Free America and ProServe		
11	Assignment of Joint Venture Interest dated 3/1/02		
12	Complaint - Duty Free Americas, Inc. v. ProServe in Maryland State Court		
13	Complaint - ProServe Corporation v. Duty Free Americas, Inc. dated March 17, 2003 in Colorado State Court		
14	Niagara Falls Reporter edition encompassing April 13-20, 2004		
15	Niagara Falls Reporter edition encompassing November 1-9, 2004		
16	Summons and Complaint - Duty Free Americas, Inc. v. Joseph Aragon dated May 20, 2004 filed in Niagara County		

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Case No. 02-CR-73A

Defendant, JOEL CICERO

Dated: July 14, 2006

Ex. #	Description	Date	
		Marked for Ident. Evidence	In
17	Complaint dated November 22, 2002 - Kulback's & Associates v. Niagara Falls Bridge Commission, et al.		
18	Cover letter and settlement check dated 3/6/03 regarding Kulback's v. Niagara Falls Bridge Commission, et al.		
19	Joseph Aragon letter of 2/7/02 to Jack Vance		
20	12/13/02 letter from Joseph Aragon to Christian Campbell, with attachments		
21	Joseph Aragon letter of 5/24/03 to Barry Schwartz		
22	Joseph M. Aragon 5/7/03 letter to Barry Schwartz, Frank Pannozzo, et al.		
23	Joseph Aragon 5/7/03 letter to Thomas Garlock		
24	Niagara Falls Bridge Commission Minutes - 9/5/00		
25	Niagara Falls Bridge Commission Minutes - 10/16/00		
26	Niagara Falls Bridge Commission Minutes - 5/22/01		
27	Niagara Falls Bridge Commission Minutes - 10/28/02		
28	Niagara Falls Bridge Commission Minutes - 5/12/03		
29	Niagara Falls Bridge Commission Minutes - 6/2/03		
30	11/2/01 Joseph Aragon letter to Thomas Daniels, with attachments		
31	Joseph Aragon email of 10/3/02 to Charles Rawley		
32	ProServe Corporation 10/13/02 response to and Notice of Default		
33	Aragon letter of 11/14/02 to John J. Murphy		

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Defendant, JOEL CICERO

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Ex. #	Description	Date	
		Marked for Ident. Evidence	In
34	Joseph Aragon deposition of 9/17/03		
35	Videotape of Joseph Aragon deposition of 9/17/03		
35A	Videotape excerpt from Joseph Aragon deposition of 9/17/03		
36	Richard Jasper deposition of 11/7/03		
37	Thomas Daniels deposition of 9/29/03		
38	Brian Kulbacki deposition of 11/12/03		
39	Joseph Kearney deposition of 11/14/03		
40	Buffalo News article 12/9/02		
41	Settlement Agreement - 10/12/04 between Joseph Aragon and Duty Free Americas		
42	Letter of 11/26/02 from John Murphy to Joseph Aragon		
43	9/8/00 email – Joel Epstein to Joseph Aragon		
44	Letter of 1/24/01 from Joseph Aragon to David Novak		
45	9/24/01 email – Joseph Kearney to Joseph Aragon		
46	Fax cover page with Memorandum of Understanding from Joseph Aragon to Simon Falic		
47	12/8/01 email – Joseph Aragon to Simon Falic		
48	12/10/01 email – Joseph Aragon to Joseph Kearney		

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WESTERN DISTRICT OF NEW YORK**

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Defendant, JOEL CICERO

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Ex. #	Description	Date	
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49	Agreement Regarding Offsetting Payments between World Duty Free Americas, ProServe Corporation and Denver Airport Enterprises dated 5/1/02		
50	5/2/02 email – Joel Epstein to Joseph Aragon		
51	5/10/02 email – Joel Epstein to Joseph Aragon, et al., with attachments		
52	5/14/02 email – Lewiston Northborder to Joseph Kearney		
53	7/3/02 email – Thomas Daniels to Joseph Kearney		
54	9/19/02 email – Joseph Aragon to Simon Falic		
55	9/29/02 email – Joseph Aragon to Joseph Kearney		
56	Letter of 10/3/02 from Joseph Aragon to Jeffrey Hebig		
57	10/30/02 email – Jeffrey Villanueva to David Taney		
58	12/12/02 email – Dan Slefinger to Joseph Kearney, et al.		
59	Letter of 1/6/02 from Eric Rowe to Denver Airport Enterprises, Joseph Aragon and Willie Kellum		
60	Niagara Falls Reporter article 2/11/03		
61	Letter of 4/14/03 from Joseph Aragon to Assistant United States Attorney Brett Harvey		
62	Timeline & Description of Construction Documents between ProServe Corporation and Kulback's Construction for Lewiston/Queenston Bridge Project, with attachments		
63	Affidavit of Jeffrey M. Villanueva – Willie Kellum and Kellum Enterprises v. Joseph Aragon and ProServe Corporation dated 5/19/03 (Colorado)		

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Defendant, JOEL CICERO

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Ex. #	Description	Date	
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64	Chart – Construction of Lewiston TriCon Restaurant		
65	Response of Joseph Aragon and ProServe Corporation to Duty Free's First Set of Interrogatories, Request for Admission and Request for Production of Documents – ProServe v. Duty Free; Duty Free v. ProServe (Colorado)		
66	Response of Joseph Aragon and ProServe Corporation to Duty Free's Second Set of Interrogatories, Request for Admission and Request for Production of Documents – ProServe v. Duty Free; Duty Free v. ProServe (Colorado)		
67	Victor Montalbo transcript of 11/18/03		

DATED: July 14, 2006
Buffalo, New York

Respectfully submitted,


JOSEPH M. LaTONA

Attorney for Defendant,
JOEL CICERO
Office and Post Office Address
716 Brisbane Building
403 Main Street
Buffalo, New York 14203
(716) 842-0416

CERTIFICATE OF SERVICE

IT IS HEREBY certified that the foregoing document was filed on a CD-ROM in .PDF format, via hand delivery, with the following:

**CLERK OF THE COURT
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**
68 Court Street
Buffalo, New York 14202

IT IS HEREBY further certified that a true copy of the foregoing document was served, via hand delivery, upon the following:

WILLIAM J. HOCHUL, JR., ESQ.
Assistant United States Attorney
138 Delaware Avenue
Buffalo, New York 14202

this 14th day of July, 2006.



Sandra Lee Wright

SANDRA LEE WRIGHT